PRESENTATION

of the

EDWARD J. DEVITT
DISTINGUISHED SERVICE TO JUSTICE
AWARD

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HONORABLE GERHARD A. GESELL

District Judge, United States District Court
District of Columbia

Washington, D.C.
May 16, 1990

PRESENTATION

In presenting this award to Gerhard A. Gesell, we acknowledge his devotion to bettering the lives of Americans through his distinguished work on the federal bench. We also recognize Judge Gesell's many contributions to improving the system of American jurisprudence for current and future generations, as well as his example as a colleague, friend and mentor to many.

Judge Gesell's impact on our justice system and the lives of Americans has been profound and widespread. He possesses qualities of intelligence and honesty, along with the drive to see justice carried out in an even-handed, timely manner. It is rare to find all this in one human being and we will focus on but a few of his many accomplishments and attributes.

COURTROOM SKILL

His skill on the bench, is first and foremost, widely regarded, perhaps even legendary. One experienced trial lawyer of Washington, D.C.'s Stein, Mitchell & Mezines helps define this courtroom mastery:

> *I have tried a number of cases before Judge Gesell. His control of the case is immediate. He permits no exploration of irrelevancies and the lawyers are at once aware that a decisive and fair Judge has taken hold of the case. His broad experience in litigation lets him see what is a bit beyond the horizon He has never been bothered by the problems that plague other judges, discovery disputes. His muscular intelligence strangles them.*

T. Sumner Robinson, Associate Publisher and Editor-in-Chief of *The Los Angeles Daily Journal,* who covered the U.S. District Court for many years, remembers being awed by the judge's style as he watched the Watergate trials:

> *What remains indelibly etched in my memory is his solemn and unflinching style in disposing of these weighty and serious matters in a conscientious and ethical manner, a style seemingly unaffected by the drama that surrounded the events of the time. He remained a stern, but compassionate, judge, carefully weighing each case and each individual defendant on its or their own merit.*

AFFINITY FOR PUBLIC SERVICE

In addition, we highlight the extraordinary breadth of his devotion to public service in all forms. Guido Calabresi, Dean and Sterling Professor of Law, Yale University, comments on one benefit society has gleaned from Judge Gesell's long service to the school as alumni chairman and its representative on the council of the university:

Public service is a broad term. Work for one's law school may not qualify as the most significant of public service, but it surely has its part. When it is done by someone like Judge Gesell, who has also been a dominant figure in more traditional forms of public service, it serves to show how a person who is truly dedicated to the public interest, can find time for it in all its manifestations.

Another prominent attorney of Wilmer, Cutler & Pickering. Washington, D.C., adds these thoughts on Judge Gesell's view of his profession as a public service impacting society-at-large:

Above all, he has maintained an enthusiasm for the profession of law as a public service, and for the dispensation of equal justice to the weak as well as the power-1, that he continues to transmit to all who appear before him.

MENTOR TO MANY

Finally, we focus on his example as a man worthy of emulation. Judge Gesell has served as a role model for countless young attorneys. These men and women help shape the legal profession every day, and will continue to lead our justice system for decades to come in the tradition set out by Judge Gesell. Says one former clerk, now a professor at a school of law:

He is probably the most ethical person that I know. So often in legal practice, lawyers and others manage to rationalize cutting corners. Though he understands the factors that lead people to do that, he does not believe that is acceptable. I have fewer shades of gray than before I met him.

Another law clerk (and Judge Gesell has never had more than one a year) of Miller, Cassidy, Larroca & Lewin in Washington, D.C. sums up the sentiments of the twenty-three law clerks Judge Gesell helped mold

His accomplishments and contributions are recognized nationwide, yet he is an unassuming, modest man. When he assumed the federal bench, he left a highly remunerative and coveted position as senior partner of one of this county's premier law firms He is the classic example of a man who has foregone material rewards to lead a life of public service in the justice system. Judge Gesell is truly an outstanding jurist, public servant, and human being. He richly deserves this award

The Devitt Distinguished Service to Justice Award was established to recognize extraordinary service by members of the Federal Judiciary. Judge Gesell's contribution to American justice epitomizes the spirit of excellence embodied by this award.

For his distinguished service to justice, we. his confreres on the Federal Courts, United States Supreme Court Justice Sandra Day O'Connor, United States Circuit Judge Wilfred Feinberg. and United States District Court Judge

Edward J. Devitt, present to the Honorable CERHARD A. GESELL, the EDWARD J. DEVITT DISTINGUISHED SERVICE TO JUSTICE AWARD.

Judge Gerhard A. Gesell was born in Los Angeles on June 16, 1910, the son of renowned physician and child developmental expert Dr. Arnold L. Cesell and Beatrice Chandler Gesell. He graduated from Phillips Andover Academy (1928) and received his A.B. degree (1932) and J.D. degree (1935) from Yale University.

Fresh out of law school, he joined the staff of the new Securities and Exchange Commission and is given credit for helping to establish the SEC as an effective regulatory agency. After only three years at the SEC. he was put in charge of a public investigation into the New York Stock Exchange and one of its major brokerages. His handling of the widely publicized hearings, at which J.P. Morgan and many other Wall Street tycoons testified, was praised in newspaper accounts, including this one from Raymond Clapper.

> *Young Gesell was taken green out of law school and had been working for the SEC for three years. He was competent and he developed rapidly. He handled the Detroit bucket-shop case and worked up the big Atlanta fraud case. When the SEC began investigating the Whitney affair he was assigned to the job. He prepared himself with extreme care and thoroughness. In addition to that he had a gift for compact, succinct questioning. He worked with economy of effort avoiding useless questions and handled his witnesses with a cool, sure touch but calmly without browbeating, revealing skill that most lawyers are years in acquiring.*

Thereafter, he received increasing responsibilities at the SEC, handled congressional hearings and advanced to a position in the Chairman's office.

In 1941, he left the SEC to join Covington & Burling, a major District of Columbia firm, where he established a national reputation as a trial lawyer and corporate advisor. During his twenty-eight year career in private practice, Judge Gesell tried many celebrated cases in federal courts around the country, and argued several antitrust and other matters before the Supreme Court.

Judge Gesell has always devoted time to public service. While in private practice, he served as Chief Assistant Counsel to the Joint Congressional Committee on Investigation of the Pearl Harbor Attack (1945–46). He chaired the President's Commission on Equal Opportunity in the Armed Forces (1962–64), which helped prompt the desegregation of many aspects of armed services life. He was also an original member of the Lawyers Committee for Civil Rights Under Law and the recipient of numerous citations for public service and pro bono activities. He served as Chairman of the Committee of the Judicial Council of the District of Columbia Circuit (1966–67) and helped to guide the reorganization of the District's court system. He was an early Fellow of the American College of Trial Lawyers and a lecturer at the University of Virginia and Yale law schools. Throughout his career Judge

Gesell has also served on educational and hospital boards in the District of Columbia. In 1967 he received the Yale Law School Citation of Merit, the highest award given to graduates of this school, and in 1973 he received the Phillips Academy Claude Moore Fuess Award for distinguished contribution to public service.

Judge Gesell's affinity for public service endured when he was appointed to the federal bench by President Lyndon B. Johnson on December 7, 1967. He entered on duty on December 29, 1967. One of the few lawyers at the time willing to give up a senior partnership in a leading law firm for life service on the District Court bench, Judge Gesell's path to federal judgeship typifies his independent frame of mind. His many noteworthy decisions serve as an exclamation point. Although eligible for senior status ten years ago, he remains fully active.

By appointment of the Chief Justice, Judge Gesell has served on several committees of the National Judicial Conference. He often sits on the United States Court of Appeals for the District of Columbia Circuit and on several occasions has been specially designated by the Chief Justice of the United States to hear cases outside the District of Columbia. He has been a director of the Federal Judicial Center and by invitation has produced a series of demonstration materials which the Federal Judicial Center uses in training new judges. He has chaired and served on innumerable judicial committees within the District Court, most notably chairing a committee he himself inspired to modernize and rewrite the rules of the District Court Many of the rules adopted during this process, which began in June of 1972, have been followed by other Districts around the country and have influenced the Federal Rules of Civil Procedure. Judge Gesell also served for six years as the judicial member of the District of Columbia Commission on Judicial Disabilities and Tenure, which has oversight authority for the District of Columbia courts. He continues to serve as liaison judge to the District Court's grievance committee, and was a member of the Circuit Judicial Council and the Executive Committee of the District Court

Judge Gesell's approach to his judicial tasks first came to national prominence soon after joining the Court in a series of cases involving press access to news sources and the First Amendment right to publish. Most notable is the *Pentagon Papers* case, which involved the government's effort to prevent publication of government documents obtained by two national newspapers. Parallel proceedings moved to the Supreme Court from the Southern District of New York directed at the *New York* Times and from the District of Columbia directed at the *Washington Post.* Throughout a series of proceedings, twenty-nine federal judges considered the right of the courts to censor publication. Judge Gesell was the only judge who never issued an order termporarily staying or prohibiting publication. His view of the merits was eventually sustained by the Supreme Court.

Later, the designations of Judge Gesell to try a series of Watergate criminal cases and subsequently the initial phases of the Iran-Contra matter

and the Oliver North trial were further recognition of his always current docket and his ability to monitor complex litigation in a practical and yet scholarly manner. His courtroom is always a model for controlled prompt disposition of well-defined issues which have been sorted out in advance through his informed personal management of pretrial proceedings. He has always heard and decided motions promptly. His trial dates *are* also prompt and are rarely continued.

These well-publicized matters are but a small **part** of the extraordinary range of challenging and **often** novel legal issues that have been presented in regular course to Judge Gesell by reason of **his** membership in the United States District **Court** for the District of Columbia which has had a unique and demanding caseload during the last two decades. His judicial career has covered a time of controversy and tumult which has focused its litigation on the nation's capital. Judge Gesell has decided cases of national and often constitutional significance involving abortion rights, swine flu immunization, random drug testing, AIDS, genetic engineering, medical responsibility with respect to newborns, voting rights and redistricting, homosexuality, student riots and draft problems during the Vietnam war, whistle-blowers, **race** and sex discrimination, civil **rights** controversies **of** all **types,** proceedings relating to impeachment of **two** federal judges, national strikes and numerous labor controversies, bid-rigging of government contracts, major separation **of pow**ers controversies, prison conditions and much **more.** These exacting responsibilities accompanied the usual heavy load of regular civil and criminal business that falls to all federal judges in major metropolitan areas. Overall, it has been an exacting test of judicial competence, case management and impartiality. Judge Gesell's track record **through** it all justifies this Award. He exemplifies the dedication and excellence which characterizes the effort of many federal trial judges across the land and **has** served **as** a **role** model to many.

Judge Gesell married Marion Holliday (Peggy) Pike on September 19, 1936 and has **two** children, Peter Gerhard and Patricia Pike, and three grandchildren, Sabena, Alexander and Justine. While always maintaining an active schedule on the bench, he spends weekends at his farm in Loudoun County, Virginia, where he manages the farm and is an amateur beekeeper. In the summer he **sails** and raises vegetables in Maine.

Remarks of Chief Judge Aubrey E. Robinson, Jr.

Ladies and gentlemen, I assume that everyone in the **room** knows why he or she is here, so I won't have to explain that to you.

We are very pleased that members of the selection panel are present **with** one exception, and I will explain that in a second. We are delighted that Judge Wilfred Feinberg of the Second Circuit **joined** by his lovely wife,

Shirley, are with us; delighted that Judge Devitt is here; and we anticipate the presence of Justice Sandra Day O'Connor. She had a tight schedule that would have permitted her to be here at this moment, but the schedule was thrown off by forces beyond her control. So, we do anticipate that she will be present. And, of course, we knew that there could be no ceremony without the presence of members of Judge Gesell's family, Peggy especially, his son Peter, who came from Cambridge, and his daughter Patsy, who came from New York City.

There is a notation here that I am supposed to recognize distinguished guests. If I did that, then I would have to call everybody's name in the audience, including members of our court personnel. I will not do that. I will just acknowledge that all of you have the sense and sensibilities to appreciate Gerhard Gesell, are distinguished for that alone, not for you other personal accomplishments.

We are pleased as always to have judges of the Circuit Court join us, judges of the Superior Court, judges of the D.C. Court of Appeals, and we appreciate your support.

Again, and it was a pleasant surprise for me, because I was not advised that he would be here, we have the president of West Publishing Company, Dwight Opperman.

When I received the word that Judge Gesell was going to be the recipient of the Eighth Annual Devitt Award, I went down to his chambers to extend personal congratulations, and in the course of our conversation I mentioned the word ceremony in connection with a celebration. I should have known better. In no uncertain terms he told me he would have none of that. Grudgingly, he did approve we could maybe have something short, quiet and simple. But Judge Gesell underestimated my enthusiasm for a form of proper recognition. So, using the great authority of my position as Chief Judge, I convened a special review panel to consider the matter and in an unpublished *per curiam* opinion filed under seal, the panel ruled essentially as follows:

One, that there would in fact be a program; two, that it would be in the courthouse and not in Loudoun, Virginia, at the farm; three, it would be in the Ceremonial Courtroom and not in Courtroom 6 on the second floor. But it further ruled that the judges would not robe or take the bench, there would be no Marine Color Guard, and that things would be informal and we hope enjoyable for everyone.

Among the few appellate decisions accepted by him, Judge Gesell accepted this one with equanimity. I was pleased at this result because it affords me the opportunity to express on behalf of his colleagues and the entire court family our pride that he is the recipient of the Eighth Edward J. Devitt Distingushed Service to Justice Award.

In executive sessions of the court Judge Gesell has always unhesitatingly expressed his opinion with respect to our common concerns in managing the

affairs of the court. His wisdom and experience have greatly assisted the court's efforts to remain a flagship court in the federal system. He has given unstintingly of his time in working with advisory committees of the court and other important committees of the court, the Grievance Committee, the Rule 711 Committee, and now he is working with the Civil Pro Se Panel Committee. He presides at the luncheon table in the judge's dining room in an inimitable style, commenting on a variety of subjects that ranges from A to Z, that is, from animals and appeals to zoology. As Judge Devitt can attest, because over the years he has broken bread with us very frequently, Judge Gesell's comments are often provocative and certainly a respite from the mundane business of judges.

Your presence today expresses your appreciation of his passion for the law and the highest standards of practice in the law and for his years of sustained performance as one of our finest trial judges. Those who work with him and those who work for him join with all who know him in extending warm and hearty congratulations.

We are pleased, as I said before, that Judge Edward J. Devitt, for whom the *West* Publishing House Award is named, is here to do the honors. Judge Devitt is in his thirty-sixth year as a District Court Judge and for twenty-three of those years he was the Chief Judge of the United States District Court for the District of Minnesota. He is one of the "Deans" of the federal trial bench and has been our revered and good friend throughout his tenure. Judge Edward J. Devitt.

Remarks of Judge Edward J. Devitt

Chief Justice Robinson and my fellow judges, friends, we are here this afternoon to honor Judge Gerhard A. Gesell for his distinguished contributions to advancing the cause of justice. He has earned the recognition principally through his highly competent judicial management of cases and the exercise of outstanding courtroom skills in the conduct of trials. He is a trial judge of the highest order who well serves as an example to his peers and a model to the public.

Now, I should recall for you that the purpose of this award is to give voice to the often unappreciated work of federal judges. As members of a co-equal branch of the government, they have contributed so much for so long to the remarkable history of the successful workings of our unique representative republic. We hear so much about the activities of the Executive and the Congressional Branches, but does the public and even the bench and bar as far as that goes, know and fully value the contributions of the Third Branch?

Well, our friend, Dwight Opperman, who is here with us today. the long time president of the West Publishing Company, thought not, and he saw a need to inform the public about the meritorious work of the federal judiciary,

and so he established this annual award to bring needed recognition to the work of federal judges at all levels. For more than 200 years federal judges have acted as a balance wheel in our system of government and they have insured in that way effective and fair government under the Constitution. The life and the work of this year's awardee, Gerhard Gesell, is emblematic of the commitment of all federal judges. Through this recognition of him we honor the whole judicial family.

The brochures that you have in yocr hands tell you all about the remarkable life and the times of our honored guest. I am prompted to comment after reading all about him, that some observers of our honoree in action have commented that Judge Gesell is gruff. Gruff is what they say. Well, what about that? Aren't all federal judges gruff? Doesn't it go with the territory? Some lawyers think that all Article III judges are born that way, or at least they become that way after confirmation by the United States Senate.

Well, about the gruffness business, I know this: Gerhard Gesell is an even-handed, no-nonsense judge who runs a tight ship. There is no fooling around. He gets right to the point. He prepares diligently. He listens attentively, considers carefully. He rules promptly—oh, my, that's important—and he acts fairly. Those who know him closely see a benign person with warm heart, full of concern for his fellow man and dedicated to the commonwealth. And in this instance the inner man is reflected by the outer one, for Judge Gesell has been described by a seasoned news reporter as having "a cherub's face, a Santa's wispy white hair, and a grandpa's crinkly eyes." Gruff—no. Admirable! You put it all together and you get a first class, highly competent United States trial judge, fittingly representative of the best in the nation.

Former United States Supreme Court Justice Robert Jackson was a great admirer of the trial judges. "I am convinced," he said, "that the position in our profession which requires the most versatility of mind and firmness of character is the worthily occupied trial bench.

"Further," he said, "I do not belittle the very necessary and important role of the appellate court, but I think it has been exalted at the expense of the trial judge." With apologies to you, Judge Feinberg, and the other appellate judges present.

Well, Justice Jackson must have been visualizing the likes of our Judge Gesell who has done so much for so long, by conduct and by example, to make justice work better in the United States courts. Today Gerhard Gesell joins a long line of distinguished jurists who similarly have been hcnored in the past for outstanding contributions to justice—Albert B. Maris of Pennsylvania, Walter Hoffman of Virginia, Warren Burger of Minnesota, Frank Johnson of Alabama, William Campbell of Illinois, Edward Tamm of Washington, D.C., Edward Gignoux of Maine, Elmo Hunter of Missouri, and jointly last year Elbert Tuttle of Georpa and John Minor Wisdom of Louisiana, and now you Gerhard Gesell of Washington, D.C.

So, on behalf of this Year's panelists, Justice Sandra Day O'Connor, Judge Wilfred Feinberg and myself, it is an honor to present this scroll, this beautiful obelisk. and maybe most important of all, an honorarium in the form of a check for $15,000. Congratulations.

Remarks
of
Gerhard A. Gesell

I didn't want a ceremony, but now that we've got it underway, I'm pleased it is taking place. I am very thankful for the honor that the committee has put on me. I told Ed Devitt before he came in that I was going to accept the award so he wouldn't have any doubt. But there is an aspect of this award that I want to talk about that goes beyond the judge that gets it You realize I'm getting to be the oldest living active specimen around here and you can understand why perhaps it fell on me.

I have made my whole life in the law in the District of Columbia. I came here right out of law school. I have had a chance to practice law to my heart's desire. I have filled positions in the Executive Branch. I have filled positions on Capitol Hill. I have filled a position with the District of Columbia government, and I want to tell YOU that the most challenging and the most inspiring work I have had to do has been as a federal trial judge.

Now, there are people who think that you get on the bench and you are a federal judge and you issue decrees, hand down harsh orders, stamp a piece of paper, and that's what the job is all about. The reason I'm glad to have a chance to talk with you now (and this audience includes many of the people I'm going to be talking about in a moment) is to make it clear that a federal trial judge is no better or no worse than the supporting services he gets, from the aid he gets from his colleagues, from the help and ideas that you pick up from the moment you enter this courthouse and a man gives you a cheery wave, until you say good night to the charlady who is cleaning up for the next day.

There are a bunch of people who have helped me in every way possible. We exchange ideas. Sometimes they learn something from me. I often learn a lot from them. The work of any single judge is a composite of what the judges can learn from other judges and the help a judge gets from the experienced supporting people all around the courthouse.

The United States District Court for the District of Columbia is the outstanding United States District Court in the land. If you look at what happened here in the last twenty, twenty-five years, we have been constantly in the eye of the storm. All of the political ferment has centered here. People come from all over the country to file their cases here. What we do is read every morning by the President, by cabinet officers, by Congressmen, and we are under the zealous eye of the national press. The performance that this great court has put forward is not the work of any single judge. It is the

work of a system that is working. It is the work of my colleagues and other people here who have contributed to it in various ways. I want to just mention a few examples, because without that kind of help I am talking about. this wouldn't be the great insititution it is.

You look around these walls of this ceremonial courtroom. There's nobody here who can remember the names of all the judges whose portraits hang there. Judges come and go. I will have mine up there some day. But the thing that counts is the record of the court as an institution. There are people here from the Clerk's Office who have made substantial contribution to our work with new ideas and extra effort. We have from the Probation Office people who take an extra effort, get interested in somebody, prevent us from doing something that would be wrong. We've got members of the bar, pretty feisty in court sometimes, but when you call on them, they're here. They **work** for the institution. They contribute to its success.

The role of any trial judge is to work with what is available, to bring out the best in everybody that's doing the job and to profit by the glory that comes from success—it is happening to me—but you also get all the blame, and that's the way it should be. The individuality of judges is a very small aspect of a smooth, hard-working court.

Now, there are a few people I've got to mention. I'm not allowed to mention Mrs. Gesell. She told me that if I did she wouldn't come, and I know she meant it. All I can say about her contribution is that she is where I found the flowers in my life, and the music, the books, and a chance to forget what goes on here from day to day. When I get home, the court is gone and we live a life.

Now, around this mom you are going to see a bunch of fairly ugly-looking people, some of them. They are my law clerks. I am going to see them tonight at dinner and I'm going to reserve for dinner some of my true feelings about them, but I do want to tell you that there is a whole law clerk family you raise as a judge. I only have one law clerk each year. I believe in doing my own work. But, you know, I look around and one law clerk can't be here because he's on a delegation representing our country in negotiations with Canada. I have members of this family in public service, in environmental work, in private practice, teaching. We stay together. I marry a lot of them—I mean, I perform the ceremony—and we are all renewed every year by the law clerks coming together to tell what is happening to them.

And then there is something very particular about a trial judge's chambers and the people working immediately with him every day in court. That is where the public meets the federal court. Stop to think about it for a minute. The public meets the appellate courts if they read the newspapers or they listen to Dan Rather, who doesn't necessarily understand the opinion. But in the federal trial court you meet people with grievances

every day. They come for a solution of their problems and it is not just the decision that you make that must be fair, it is something more than that. The public must feel they have come to a place where they will be heard, where they have been treated decently and fairly. and that is the role of a trial judge and his immediate staff. It is something of prime importance that is sometimes forgotten.

The people who have helped me work this out are here and I want to mention them. My Deputy Clerk, Barbara Montgomery, who handles lawyers and witnesses gracefully; my Court Stenographer or Reporter, who has the most incredible ear for things I sometimes don't ever hear, Santa Zizzo: my Bailiff, Roy Smith, whose inner decency and concern is known all over this courthouse as one who always wants to help and be part of the effort: and then last but far from least I come to a lady who has been with me now for thirty-seven years. I call her Doris Brown. There are some people who call her Judge Brown. She is not a lawyer. But her Irish wit and her knowledge of procedures, both the written and the unwritten procedures of this courthouse, have enabled her to cajole or entice or direct the business of my chambers into sound channels and prompt solutions. She breaks in all the law clerks. She knows ahead of time what I'm going to think when I arrive and I do a lot that she tells me I've got to do.

So, I'm very particularly grateful to all these people who have worked with me this way. I'm grateful to my friends, the judges from across the street, who came over for this ceremony. I'm extraordinarily indebted to my colleagues, and I want to thank again the committee for the honor they have bestowed on me, with a special bow to Mr. Opperman who had the foresight and sensitivity to get the Devitt Award program going.

I believe I am to tell you that there is some iced tea and cookies over in the dining room across the hall. I look forward to seeing some of you there. Thank you.

Concluding Remarks of Chief Judge Robinson

Please join us in the judge's dining room. You know where that is. The judge's dining room is on this floor. There we are going to have a reception where each one of you will have the opportunity to greet Judge Cesell individually.

Thank you all for coming.

(Proceedings adjourned at 4 p.m.)

The Selection Panel

Judge Edward J. Devitt

This year's presentation to Judge Cesell is the eighth annual award of the Edward J. Devitt Distinguished Service to Justice Award. It is named for Judge Devitt, longtime Chief United States District Judge for Minnesota.

The award was created to bring public attention to the dedication and contributions to justice made by all federal judges by recognizing annually the achievements of one of the Article III judges who has contributed signficantly to that end.

Judge Devitt is a member of the American Bar Association, Minnesota Bar Association, Ramsey County Bar Association, Federal Bar Association, American Judicature Society and the Fellows of the American Bar Foundation. His activites have included

Chairman, ABA Legal Advisory Committee on Fair Trial–Press (1967–71); Chairman, ad hoc Committee on Court Facilities and Design of the United States Judicial Conference (1971–73); Co-chairman, Bicentennial Committee of the Judicial Conference (1975–76); Chairman, Judicial Conference Committee to Consider Standards for Admission to Practice in the Federal Courts (1976–79); Member, Judicial Conference Committee on Court Administration (1960–68); and Member, United States Judicial Conference Standing Committee on Judicial Conduct (1982). He was a member of the Judicial Conference Committee which recommended the legislation creating the Federal Judicial Center (1968-70).

Judge Devitt was the originator of the six-person jury in the federal courts, now used in 86 of the 95 U.S. District Courts, and, in addition to authoring many published articles, is co-author of *Federal Jury Practice & Instructions* (3 volumes), Devitt and Blackmar, West Publishing Company, St. Paul, Minnesota.

Judge Devitt served as chairman of the selection panel which included Justice Sandra Day O'Connor and Judge Wilfred Feinberg.

Justice Sandra Day O'Connor

Justice O'Connor was appointed Associate Justice of the Supreme Court of the United States on September 22, 1981 and took the oath of office on September 25, 1981.

Justice O'Connor graduated magna cum laude from Stanford University, receiving a B.A. degree in 1950 and an LL.B. degree in 1952. She was elected to the Order of the Coif, and was on the Board of Editors for the Stanford Law Review.

Before entering the judiciary, Justice O'Connor was Deputy County Attorney for San Mateo County in California; Civilian Attorney for Quartermaster

Market Center, Frankfurt, Germany; in private practice in Maryvale, Arizona; Arizona Assistant Attorney General; and State Senator in the Arizona State Senate.

While in the Arizona State Senate, Justice O'Connor was elected Majority Leader, and served as Chairman of the State, County and Municipal Affairs Committee.

In 1975 she was elected Judge, Maricopa County Superior Court. In 1979 she was appointed Judge, Arizona Court of Appeals.

Born March 26, 1930 in El Paso, Texas, Justice O'Connor and husband, John J. O'Connor, III, have three sons: Scott, Brian and Jay.

Judge Wilfred Feinberg

United States Circuit Judge Wilfred Feinberg was appointed by President Johnson as a United States Circuit Judge for the Second Circuit on March 7, 1966. He took office on March 15,1966. Judge Feinberg became Chief Judge on June 24, 1980 and served in that capacity until January 1, 1989. He continues to be an active judge with a full caseload.

Judge Feinberg received his A.B. degree from Columbia College in 1940 (Phi Beta Kappa) and his LL.B. degree from Columbia Law School in 1946 where he was editor-in-chief of the law review. He has been awarded honorary degrees by Columbia University and Syracuse University, and was the 1990 recipent of the New York State Bar Association's Gold Medal for Distinguished Service in the Law. He served in the United States Army Signal *Corps* in Africa and Italy during World War II.

Judge Feinberg was admitted to the bar in 1947, and remained in private practice until 1961. In October 1961, he was appointed by President Kennedy as a United States District Judge for the Southern District of New York, a post he held until his appointment to the Second Circuit in 1966.

Judge Feinberg has been a member of various committees of the Judicial Conference of the United States and a member of the Conference itself (1980–88), and chairman of its Executive Committee (1987–88).

Born June 22, 1920 in New York City, Judge Feinberg is married to the former Shirley Marcus and has three children: Susan Ann, Jack Leonard and Jessica Sara.